UNITED NATIONS

General Assembly

FORTY-NINTH SESSION

Official Records

FIFTH COMMITTEE
51st meeting
held on
Thursday, 30 March 1995
at 6 p.m.
New York

SUMMARY RECORD OF THE 51st MEETING

Chairman: Mr. TEIRLINCK (Belgium)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

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A/C.5/49/SR.51
28 April 1995
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The meeting was called to order at 6.30 p.m.

AGENDA ITEM 107: PROGRAMME BUDGET FOR THE BIENNIUM 1994-1995 (continued)

Revised estimates under sections 3A, 3B, 3C, 4, 8, 15, 24 and 28 and income section 1 (continued)

Draft decision A/C.5/49/L.38

1. Mr. BARIMANI (Islamic Republic of Iran), Vice-Chairman, introduced on behalf of the Chairman the draft decision entitled "Revised estimates under sections 3A, 3B, 3C, 4, 8, 15, 24 and 28 and income section 1", by which the General Assembly would take note of the report of the Secretary-General on the revised estimates, would endorse the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions contained in its report, subject to the provisions of the decision, and would request the Secretary-General to review its recommendations in the context of the proposed programme budget for the biennium 1996-1997 in order to enhance and enrich programmes and activities for Africa. He trusted that the draft decision could be adopted without a vote.

2. Mr. AMARI (Tunisia), speaking on behalf of the Group of African States, asked the Controller to clarify paragraph 86 of the report of the Secretary-General contained in document A/C.5/49/44 concerning the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI), where it was proposed that an amount of $119,700 should be redeployed from the resources approved for activities related to apartheid under section 3 of the programme budget for 1994-1995 to section 15 (Economic Commission for Africa). He wished to know how the Secretariat would interpret that recommendation should the draft decision be adopted and whether the amount of $119,700 would be redeployed to UNAFRI.

3. Mr. TAKASU (Controller) said that the Secretary-General, in implementing resolutions adopted by the General Assembly, was guided strictly by the text of the resolution and the way in which the Member States which had adopted it interpreted the text. With respect to treatment of the grant proposed for the Institute, there was disagreement among Member States. In paragraph 24 of its report (A/49/7/Add.10) the Advisory Committee had recommended that, pending a policy decision on the criteria for grants to regional institutes under the regular budget, the General Assembly might wish to consider an appropriation of $119,700 to enable the Institute to continue its operations until the end of the year. Under paragraph 2 of the draft decision the General Assembly would endorse the recommendation, namely, would proceed to consider the possibility of making such an appropriation. So long as there was disagreement among Member States the Secretary-General was not authorized to redeploy the resources.

4. Mr. AMARI (Tunisia) said that in order to avoid misunderstandings he wished to propose a new paragraph in the draft decision, to read: "Decides to redeploy resources in an amount of $119,700 from section 3 of the programme budget for the biennium 1994-1995 to section 15 (Economic Commission for Africa), as requested by the Secretary-General in paragraph 86 of his report (A/C.5/49/44)".

5. Mrs. SHEAROUSE (United States of America) said that her delegation opposed inclusion of the proposed new paragraph. She proposed an amendment to the draft decision whereby the Secretary-General would be requested to determine the criteria for the treatment of grants requested by regional institutes under the regular budget and to report thereon by June. Consideration of the request for a redeployment of resources to section 15 would be deferred to the following meeting.

6. Mr. AMARI (Tunisia) said that, with respect to UNAFRI, and given the recommendation of the Advisory Committee, the amendment proposed by the United States delegation was covered by paragraph 2 of the draft decision. Since an interpretation other than that approved in informal consultations had emerged, the African States had thought it appropriate to propose a new paragraph to avoid misunderstandings.

7. Ms. BUERGO (Cuba), Mr. GOKHALE (India), Mr. SOEGARDA (Indonesia), Mr. DJACTA (Algeria), Ms. ARAGON (Philippines) and Ms. PEÑA (Mexico) supported the inclusion of a new paragraph proposed by the delegation of Tunisia.

8. Mr. TAKASU (Controller) said that the Secretariat had taken note of the recommendation of the Advisory Committee that criteria should be proposed for the funding of regional institutes under the regular budget for 1996-1997. UNAFRI no longer received support from the United Nations Development Programme (UNDP) and needed a grant to continue to operate. For 1994 a grant in an amount of $140,900 had been approved under the regular budget.

9. Mrs. SHEAROUSE (United States of America) said that her delegation regretted consideration of the matter in a formal meeting and noted that it had been evident in informal consultations that there was no agreement regarding the request for a grant for UNAFRI.

10. The CHAIRMAN appealed to the representative of the United States to join in adoption of the draft decision by consensus.

11. Mrs. SHEAROUSE (United States of America) proposed that the Committee should take up the following item while a solution was sought during the meeting.

12. Mr. AMARI (Tunisia) said that, following the various reservations expressed at the previous meeting and in informal consultations, an understanding had been reached and various amendments accepted in order to achieve a consensus. His delegation did not oppose deferral of the draft decision to the following meeting, in the hope that it could be adopted by consensus.

13. Mr. STITT (United Kingdom), on a point of order, said that he trusted that the Secretariat would make the necessary arrangements to make the text of the two amendments proposed available in writing to members of the Committee.

14. Mr. ACAKPO-SATCHIVI (Secretary of the Committee) asked the representative of the United States to submit the text of her amendment since her delegation had not formally proposed an amendment to the draft decision.

15. Mrs. SHEAROUSE (United States of America) said that she would submit the text and indicated her willingness to resolve the disagreement that had arisen during the evening.

16. The CHAIRMAN suggested that action on the draft decision should be deferred.

17. It was so decided.

AGENDA ITEM 146: FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991 (continued) (A/49/7/Add.12 and A/49/790; A/C.5/49/11 and A/C.5/49/42)

Draft resolution A/C.5/49/L.44

18. Mr. KEATING (New Zealand) said that the United Nations had been concerned with the financing of the Tribunal for almost two years, and notwithstanding many consultations, it seemed that it was not possible to reach a consensus. The Secretary-General, pursuant to his commitment authority, had already spent more than $18 million and the Tribunal had yet to fully begin its activities. Future expenditure would be even higher. A situation in which the Secretary-General and the Secretariat had authorization to enter into expenditure without there being any formal appropriation could not continue. Draft resolution A/C.5/49/L.44, co-sponsored by Canada, which was based on the report of the Secretary-General and incorporated the recommendations of the Advisory Committee, was intended to end that state of affairs.

19. The draft resolution reflected the agreements reached in informal consultations, although there remained some unresolved differences. The draft made it clear that the Tribunal would be financed from additional resources, confirmed that the General Assembly would maintain the existing special account arrangement and that funds would be appropriated and apportioned for the current biennium, specified that the apportionment of funds would be in accordance with resolution 49/19 B, stated that it was an ad hoc arrangement and that the General Assembly would consider the question of financing after two years, and lastly, raised the possibility of absorption of costs. It requested the Secretary-General to consider whether any portion of the expenses of the Tribunal could be defrayed from savings in the 1994-1995 budget and to report thereon to the General Assembly by 30 September 1995.

20. He hoped that the draft could be adopted by consensus; otherwise, a vote would be taken.

21. Ms. ROTHEISER (Austria), speaking as coordinator of the informal consultations, said that a broad degree of consensus had been reached in the consultations and that a draft resolution had been prepared. There was consensus on the text of the draft, except for two paragraphs; accordingly, she hoped at the following meeting to be able to submit a text which could be adopted by consensus.

22. Mr. BOIN (France), speaking on behalf of the European Union, said he trusted that the Committee would continue its practice of adopting decisions by consensus.

23. Ms. GOICOCHEA (Cuba) said that the failure to reach consensus on the mode of financing of the Tribunal was due to the political will and differing positions of Member States. It was therefore understandable that the New Zealand delegation had submitted a text on which a vote would be taken. Her delegation was prepared to continue to participate in the efforts to reach a consensus; if they did not bear fruit, however, the Committee secretariat should apply rules 120 and 83 of the rules of procedure and Article 18 of the Charter.

24. Mr. HANSON (Canada) said that his delegation was co-sponsoring the draft resolution because of the indispensable need to adopt at the current resumed session a decision which would endow the financing of the Tribunal with a solid and reliable base. If no consensus was reached, there would have to be a vote. His delegation continued to support the principle that Committee decisions should be adopted by consensus but considered that putting the draft resolution to a vote would neither make the rule of consensus obsolete nor run counter to the provisions of resolution 41/213.

25. The CHAIRMAN expressed the hope that the Committee would take a decision by consensus on the draft resolution at the following meeting.

AGENDA ITEM 105: REVIEW OF THE EFFICIENCY OF THE ADMINISTRATIVE AND FINANCIAL FUNCTIONING OF THE UNITED NATIONS (continued) (A/49/16 (Parts I and II), A/49/34, A/49/98 and Corr.1 and Add.1 and 2, A/49/301, A/49/336, A/49/368, A/49/418, A/49/423, A/49/449, A/49/471 and Corr.1, A/49/560, A/49/632 and A/49/633; A/C.5/49/1 and A/C.5/49/28 and Add.1)

26. Ms. PEÑA (Mexico), speaking as coordinator of the informal consultations on the subject, said that the consultations on other reports relating to the question had failed to produce an agreement which would enable a draft resolution to be submitted for adoption without a vote. However, the Committee had made considerable progress in those consultations, and she suggested that it should continue its consideration of the reports.

27. The CHAIRMAN said that it was essential for the Committee to take a decision on the subject at the following meeting.

AGENDA ITEM 108: PROGRAMME PLANNING (continued) (A/49/6, A/49/16 (Parts I and II), A/49/99 and Add.1, A/49/135 and Add.1 and A/49/301; A/C.5/49/27 and Add.1 and A/C.5/49/28 and Add.1; E/1994/4 and E/1994/19)

28. Ms. PEÑA (Mexico), speaking as coordinator of the informal consultations on the subject, said that the consultations had failed to produce an agreement which would enable a draft resolution to be submitted for adoption without a vote. She suggested that the matter should continue to be considered.

29. Ms. RODRÍGUEZ (Cuba) said that the inability to reach a decision to date was due, firstly, to repeated violations by the Secretariat of the mandates approved by Member States, the Secretariat's selective interpretation of the

decisions taken, the Secretariat's failure to brief the Chairmen of the Main Committees with regard to their role in revising the plan, and the fact that the positions adopted by a particular group of countries had been favoured. Secondly, the delay had been caused by a lack of genuine political will on the part of a group of countries to honour their commitments and those countries' selectivity in the application of programming and budgetary rules and their approach to resolutions adopted by consensus. The new procedures whose introduction was being sought would hinder every attempt at negotiation and prevent any real consensus from being reached. At the next session, a definitive decision would have to be taken on the basis of the rules governing programme planning and decision-making in the context of the General Assembly. Much of what she had said also applied to agenda item 105.

30. The CHAIRMAN said that it was essential to adopt a decision on the question and on all the documents which the Committee had before it, with the exception of the Secretary-General's report on the prototype. The Committee was waiting for a report from the Advisory Committee, whose observations and recommendations would facilitate consideration of that report. There was no point in deferring its consideration of the matter until the second resumption of the work, because by then the budget estimates for 1996-1997 would have been issued and the Committee for Programme and Coordination would have considered them at its thirty-fifth session, which was due to begin on 15 May and end on 9 June.

31. Mr. STITT (United Kingdom) said that the Committee's inability to conduct its consideration of the various aspects of the revisions to the medium-term plan proposed by the Secretary-General, despite the readiness to proceed of many delegations, was most regrettable. It was a serious matter. The Committee had had before it the Secretary-General's proposals for a period of almost six months and had not even been able to consider them all.

32. Ms. GOICOCHEA (Cuba) said that her delegation would not oppose any procedure which the Committee might decide to adopt but would point out that it had already indicated the causes of the problems standing in the way of the consideration of the revisions, including the often selective interpretation of various programmes. If the same problem was to persist in the narrative of the proposed programme budget, the month of December might come and go without there being any budget, unless the decisions were put to the vote. Her delegation hoped that, in preparing the proposed programme budget, the Secretariat would strictly apply the rules governing the programme and budgeting procedures; otherwise, grave difficulties would arise, which would be detrimental to Member States and the Organization.

33. Mr. STITT (United Kingdom) wished to know what procedural decision the Committee would take regarding the continuation of its work on agenda item 108. It might be preferable for delegations to have until the following meeting to reflect on the words of the Chairman and the somewhat surprising statement by the Cuban delegation.

34. The CHAIRMAN said the Committee had not yet reached a decision.

The meeting rose at 7.40 p.m.

UNITED NATIONS

General Assembly

FORTY-NINTH SESSION

Official Records

FIFTH COMMITTEE
52nd meeting
held on
Friday, 31 March 1995
at 11.30 a.m.
New York

SUMMARY RECORD OF THE 52nd MEETING

Chairman: Mr. TEIRLINCK (Belgium)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

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AGENDA ITEM 130: FINANCING OF THE UNITED NATIONS ASSISTANCE MISSION FOR RWANDA (continued)

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A/C.5/49/SR.52
11 April 1995

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95-80582 (E)

The meeting was called to order at 12.30 p.m.

AGENDA ITEM 119: FINANCING OF THE UNITED NATIONS MISSION FOR THE REFERENDUM IN WESTERN SAHARA (continued) (A/49/559/Add.1 and Corr.1, A/49/771/Add.1; A/C.5/49/L.47)

1. Mr. TAKASU (Controller), introducing the report of the Secretary-General on the financing of the United Nations Mission for the Referendum in Western Sahara (MINURSO) (A/49/559/Add.1), recalled that, in its decision 49/466, the General Assembly had authorized the Secretary-General to enter into commitments for the maintenance of the Mission in the amount of $6.4 million gross for the period from 1 December 1994 to 31 January 1995. An additional amount of $2.2 million had been authorized for the month of January 1995, subject to the decision of the Security Council on the deployment of the required staff for the acceleration of the work of the Identification Commission and the review by the Advisory Committee.

2. In its resolution 973 (1995), the Security Council had approved the expansion of MINURSO as proposed by the Secretary-General in his report to the Council (S/1994/1420). In that report, the Secretary-General had informed the Council, inter alia, that, given the large number of applications received as at the end of November 1994, the only way to complete identification and registration of eligible voters in a reasonable time would be through a major reinforcement of personnel and the establishment of six additional centres and five mobile identification and registration teams; and had further expressed the hope that, by 31 March 1995, progress achieved in the identification and registration process would reach a level that would enable him to recommend 1 June 1995 as the date for the start of the transitional period.

3. Accordingly, the Secretary-General requested approval of additional commitment authority for the period from 1 December 1994 to 31 May 1995 and, subject to the extension of the mandate of MINURSO by the Security Council after 31 May 1995, in an amount of $4,806,600 gross for the period from 1 to 30 June 1995.

4. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the report of the Advisory Committee on the financing of MINURSO (A/49/771/Add.1), said that, in the letter annexed to the report, the Advisory Committee had given its concurrence for the Secretary-General to enter into commitments in an amount not exceeding $17,290,100 gross for the period from 1 January to 31 March 1995. It had also requested the Secretary-General to prepare a budget for MINURSO for the period from 1 December 1994 to 30 June 1995 for presentation to the General Assembly at its resumed forty-ninth session in March 1995 and had suggested that, depending on such action as the Security Council might take on MINURSO with regard to the period beyond 31 May 1995, a further budget could be prepared for the period from 1 July to 31 December 1995, which could be considered by the Advisory Committee and the General Assembly in June 1995.

5. In paragraph 15 of its report, the Advisory Committee recommended approval of all of the additional staff and other resources requested for work connected

with the Identification Commission. At the same time, it questioned the need to fill vacancies in other areas, such as administration, and recommended that the 21 vacancies in administration should not be filled at the current stage until such time as the Secretary-General could justify that the workload warranted it. He wished to make it clear, however, that the Advisory Committee was not recommending the deletion of the posts in question from the staffing table. Indeed, if the workload warranted it, then the Secretary-General should fill them and provide justification for doing so in his next report on MINURSO.

6. Taking into account the comments in paragraphs 15, 16, 20, 22 and 23 of its report, the Advisory Committee, in paragraph 26, recommended appropriation and assessment of an amount of $28,839,700 gross for the maintenance of MINURSO for the period from 1 December 1994 to 31 May 1995; depending on extension of the mandate by the Security Council after 31 May 1995, it further recommended that the Secretary-General should be authorized to enter into commitments not exceeding $4,806,600 gross for the month of June 1995 and that that amount should be assessed; and for the period from 1 July to 31 December 1995, depending on such action as the Council might take with regard to the mandate of MINURSO, it recommended approval of commitment authority in the amount of $33,555,000 gross to be committed and assessed at a monthly rate not to exceed $5,592,500 gross.

7. Mr. SCOTTI (France) noted that the report of the Secretary-General was dated 7 March 1995 but had been made available to the Committee only on 31 March 1995. The report of the Advisory Committee dated 29 March 1995 had also been made available on 31 March 1995 in the official languages of the Organization. The late issuance of essential documentation was one of the principal weaknesses in the budgetary process in the United Nations. In the case of France, authority to commit public monies must be sought from the appropriate oversight agency which must therefore be consulted in a timely manner. Accordingly, it was not possible for his delegation to pronounce immediately on draft financial decisions, especially those containing requests for assessments. Since draft decision A/C.5/49/L.47 did not provide for the assessment of funds, however, his delegation would not oppose its adoption.

8. Draft decision A/C.5/49/L.47 was adopted.

AGENDA ITEM 130: FINANCING OF THE UNITED NATIONS ASSISTANCE MISSION FOR RWANDA (continued) (A/49/375/Add.2; A/C.5/49/L.46)

9. Mr. TAKASU (Controller), introducing the report of the Secretary-General on the financing of the United Nations Assistance Mission for Rwanda (UNAMIR) (A/49/375/Add.2), said that, in its resolution 49/20, the General Assembly had decided, inter alia, to authorize the Secretary-General to enter into commitments, in connection with the maintenance of UNAMIR, for the four-month period beyond 9 December 1994, at a monthly rate not to exceed $15 million gross. On the basis of the recommendations contained in the report of the Secretary-General (S/1994/1344), the Security Council had decided, in its resolution 965 (1994), to extend the mandate of UNAMIR until 9 June 1995, and to expand its responsibilities to include a contribution to the security in Rwanda of personnel of the International Criminal Tribunal for Rwanda and assistance in the establishment and training of a new, integrated, national police force.

10. In order to finance the operation of UNAMIR after 9 April 1995, a revised cost estimate had been prepared for the period from 10 December 1994 to 9 June 1995 amounting to $158,449,600 gross, which incorporated the commitment authority previously authorized for the period from 10 December 1994 to 9 April 1995 by the General Assembly in its resolution 49/20. In the light of the most recent information, however, the cost estimate for that period had now been reduced to $153.9 million gross, for which an appropriation was requested. Pending the review by the Advisory Committee of his report, the Secretary-General requested commitment authority in the amount of $82.4 million gross for the period up to the end of the current mandate, namely, 9 June 1995. He also requested as an ad hoc arrangement, the apportionment of the amount of $30 million gross for the period from 10 February to 9 April 1995. Moreover, should the Security Council extend the mandate of UNAMIR beyond 9 June 1995, the Secretary-General further requested authorization to enter into commitments up to the amount of $19,342,000 gross for the period from 10 June to 9 July 1995.

11. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the timing of the Committee's consideration of the requests before it illustrated a problem which needed to be addressed urgently by the Fifth Committee. He was referring to the tendency to set deadlines for the consideration by the Fifth Committee of documents over the preparation of which it had no control. In his view, it would be wiser to set deadlines for the consideration only of those documents which were already available to the Committee. In the current instance, the deadline set by the Fifth Committee had not been met and interim arrangements had therefore had to be made to permit the operations of UNAMIR to continue pending consideration by the General Assembly of the reports of the Advisory Committee and of the Secretary-General. The report of the Advisory Committee* provided a basis for those interim arrangements.

12. The Advisory Committee's report was based on the most recent information available and reviewed the Secretary-General's estimates and other issues raised. Annexes III and VI to that report were intended to replace the annexes to the report of the Secretary-General.

13. Based on the observations contained in its report, the Advisory Committee recommended that the General Assembly should appropriate $143,417,100 gross for UNAMIR for the period from 10 December 1994 to 9 June 1995, inclusive of the amount of $60 million gross authorized in paragraph 10 of General Assembly resolution 49/20 for the maintenance of UNAMIR for the period from 10 December 1994 to 9 April 1995. For the period from 10 June to 31 December 1995, should the Security Council decide to extend UNAMIR beyond 9 June 1995, the Advisory Committee recommended appropriation of $131,038,700 gross to be assessed on Member States in accordance with the provisions of General Assembly resolution 49/233.

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* Subsequently issued as document A/49/501/Add.1.

14. Mr. SCOTTI (France) pointed out that, although the report of the Secretary-General (A/49/375/Add.2) was dated 6 March 1995, it had been made available only on 20 March 1995, and that the report of the Advisory Committee had not yet been issued as an official document. The fact that the Committee was again considering requests for appropriations in a situation of emergency was a disservice to UNAMIR, to Rwanda and to the Organization itself. His delegation was of the view that the Committee was not in a position to take a decision on the draft decision before it, particulary since it contained a request for an assessment. The operations of UNAMIR could only go forward, therefore, on the basis of the most recent budget estimates reviewed by the Advisory Committee and approved by the General Assembly in resolution 49/20.

15. The CHAIRMAN said that discussion of the item would continue in informal meeting.

The meeting rose at 1.10 p.m.